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January 21, 2009

VIA ELECTRONIC FILING

Claire C. Cecchi, U.S.M.J.
US District Court
Martin Luther King, Jr. Federal Building
and Courthouse
50 Walnut Street
Newark, New Jersey 07102

Re: Van vs. Borough of Dumont Police Department, et al.
Civil Action: 05-5595 (JLL)

Dear Magistrate Cecchi:

As you know this office has been retained to represent Detective John Centrello and the Borough of Dumont Police Department in the above-captioned matter. We write to supplement our correspondence dated January 20, 2009 and respectfully request a telephonic conference with your Honor to discuss a discovery dispute in accordance with L. Civ. R. 37.1(a).

In accordance with the Sixth Amended Pretrial Scheduling Order that your Honor signed on September 30, 2008, all fact discovery is set to end on January 23, 2009. In accordance with Paragraph No. 6 of said Order, this office served Plaintiff with a First Set of Interrogatories on October 9, 2008. Plaintiff did not adhere with the Scheduling Order and did not serve his Answers to Interrogatories until November 6, 2008. Further, Plaintiff's Answers were inadequate and non-responsive to the Interrogatories served.

On December 16, 2008, in response to Plaintiff's inadequate and non-responsive answers, this office served on Plaintiff a request for more specific answers to Interrogatories from Plaintiff ("request for more specific answers"). Plaintiff was requested to provide more specific answers within ten (10) days. Plaintiff failed to

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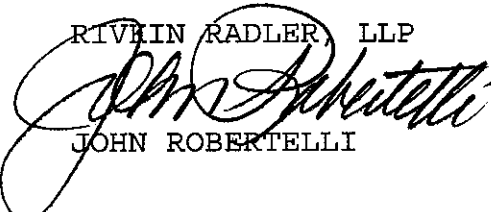
supply more specific answers within ten (10) days and on January 9, 2009, this office contacted Plaintiff and advised his response to the request for more specific answers was overdue. In addition, the January 9, 2009 letter advised Plaintiff that if he failed to provide the outstanding discovery the Dumont Defendants would seek permission from the Court to initiate a conference call between all counsel and Magistrate Cecchi to discuss same.

On or about January 12, 2009, I gave verbal consent to Plaintiff's counsel that the time within which he would supply a response to our request for more specific answers was extended until Friday, January 16, 2009. Plaintiff once again failed to provide the requested discovery.

In accordance with Local Civil Rules this office has attempted in good faith to resolve this discovery dispute with Plaintiff, however, as of the date of this letter, Plaintiff's counsel has failed to supply a response to the Dumont Defendants' request for more specific answers. Therefore, in accordance with L. Civ. R. 37.1(a) we respectfully request a telephonic conference to discuss extending discovery to accomplish this deposition.

We thank you for courtesies and consideration.

Respectfully requested,

RIVKIN RADLER, LLP

JOHN ROBERTELLI

cc: All Counsel on Attached List (Via Facsimile)

Van v. Borough of Dumont Police Dept/John Centrello

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